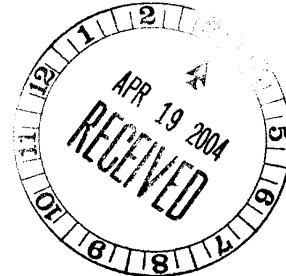


April 16, 2004

Victoria Rutson  
Chief, SEA  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

210634



**Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 413X);  
The Burlington Northern and Santa Fe Railway Company  
Abandonment in Stillwater, Minnesota**

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Michael A. Smith  
Senior Counsel  
Direct 312.360.6724  
Fax 312.360.6598  
msmith@  
freebornpeters.com

Dear Ms. Rutson:

On or after May 5, 2004, we are filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon railroad line Milepost 11.81 and M.P. 12.80, in Stillwater, Washington County, Minnesota, which line segment traverses through United States Postal Zip Code 55082. Attached are ten copies plus the original of the Environmental and Historic Report describing the proposed action and any expected environmental or historic effects.

*Chicago*

*Springfield*

Sincerely,

Michael A. Smith

Enclosures

ENTERED  
Office of Proceedings

APR 19 2004

Part of  
Public Record

BEFORE THE  
SURFACE TRANSPORTATION BOARD

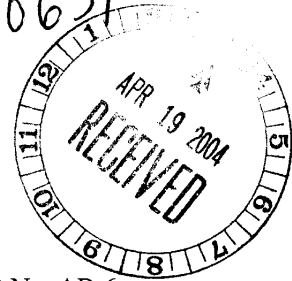
In the Matter of The  
Burlington Northern and Santa Fe  
Railway Company  
Notice of Exemption to Abandon  
Its Line of Railroad Between M.P.  
11.81 and M.P. 12.80 in Stillwater,  
Minnesota

ENTERED  
Office of Proceedings

APR 19 2004

Part of  
Public Record

Docket No. AB-6  
(Sub No. 413X)



**ENVIRONMENTAL REPORT**

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 11.81 and M.P. 12.80 in Stillwater, Minnesota, total distance of 0.99 miles.

**(1) Proposed action and Alternatives:** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

**(2) Transportation system:** Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no effect on existing transportation systems or patterns as the line is out of service.

**(3) Land Use:**

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

BNSF believes that the proposed exemption should be consistent with local or regional land use plans. The Washington County Board of Commissioners and the City of Stillwater were notified by letters dated May 19, 2003. See Exhibits B and C, letters to the Board of Commissioners, Washington County, Minnesota and the City of Stillwater. As of the date of this report, neither has responded. BNSF will provide the Board copies of any response it may receive.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The proposed abandonment will not have any affect on prime agricultural land. See Exhibit D, letter from the Natural Resource Conservation Service.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

Certain interests in the right-of-way have been conveyed to the City of Stillwater for public purposes. The Washington County Board of Commissioners was notified by a letter dated May 19, 2003. See Exhibits B, letter to the Board of Commissioners, Washington County, Minnesota.

As of the date of this report, the Board of Commissioners has not responded. BNSF will provide the Board copies of any response it may receive.

**(4) Energy:**

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

**(6) Noise:** If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

**(7) Safety:**

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are four public crossings and no private crossings. During salvage operations on the line, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety

practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

BNSF is not aware of any evidence of known hazardous waste site or sites where there have been known hazardous materials spills on the right of way.

**(8) Biological resources:**

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The Minnesota Department of Natural Resources believes the proposed abandonment will not affect any known occurrences of rare species or natural communities. See Exhibit E, Letter from the Minnesota Department of Natural Resources.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

BNSF does not believe that the proposed exemption would affect wildlife sanctuaries or refuges, nor National or State parks or forests.

There are no Federal lands administered by the Bureau of Land Management along the proposed abandonment. See Exhibit F, letter from the Bureau of Land Management. There is no Forest Service administered lands in the proposed impact area. See Exhibit G, letter from the United States Department of Agriculture, Forest Service.

**(9) Water:**

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

BNSF believes that the proposed exemption will be consistent with applicable Federal, State or local water quality standards. The Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency were notified by letters dated May 19, 2003. See Exhibits H and I, letters to the Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency. As of the date of this report, neither has responded. BNSF will provide the Board copies of any response it may receive.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

Permits under 404 of the Clean Water Act are not required for the proposed abandonment. See Exhibit J, letter from the Army Corps of Engineers. The proposed exemption will not affect the 100-year floodplain. See Exhibit K, letter from the Minnesota Department of Natural Resources, Floodplain Management Program.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.



BNSF believes that Section 402 are not required for the proposed abandonment. The Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency were notified by letters dated May 19, 2003. See Exhibits H and I, letters to the Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency. As of the date of this report, neither has responded. BNSF will provide the Board copies of any response it may receive.

**(10) Proposed Mitigation:** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,



Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Date: April 13, 2004

BEFORE THE  
SURFACE TRANSPORTATION BOARD

In the Matter of The  
Burlington Northern and Santa Fe  
Railway Company  
Notice of Exemption to Abandon  
Its Line of Railroad Between M.P.  
11.81 and M.P. 12.80 in Stillwater,  
Minnesota

Docket No. AB-6  
(Sub No. 413X)

**HISTORICAL REPORT**

The following is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between M.P. 11.81 in to M.P. 12.80 in Stillwater, Minnesota a total distance of 0.99 miles.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of the railroad structures that are 50 years old or older and are part of the proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the Minnesota State Historical Society and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area:

The Stillwater, MN Trackage is located within the city of Stillwater in Washington county, Minnesota. Stillwater had a 2000 population of 15,143 and is located on the St Croix river which divides the states of Minnesota and Wisconsin. Since the line is located within the City of Stillwater, the line goes through an urban area and is located in close proximity to the St Croix River. The rail line corridor varies in width from 20 to 210 feet.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no bridges or structures that are 50 years or older in the immediate area of the abandonment.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

N/A

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The rail line corridor was acquired by the Stillwater Union Depot and Transfer Company (SUD&T), The Stillwater Street Railway & Transfer Company (SS&T) and the Northern Pacific Railway Company (NP) between 1871 and 1910. Both the SUD&T and the SS&T were predecessors to NP. In 1970 the NP merged with other roads to become part of Burlington Northern Railroad (BN). In 1995 BN merged with The Atchison Topeka and Santa Fe Railway to become The Burlington Northern and Santa Fe Railway Company (BNSF).

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. The BNSF segment of rail proposed to be abandoned, historically the corridor of the Stillwater and St. Paul Railroad, is partially located within the Stillwater Commercial Historic District, which is listed on the National Register of Historic Places. The line is also located within the Stillwater Cultural Landscape Historic District, which has been determined eligible for listing on the National Register of Historic Places. The rail segment is also adjacent to individually listed National Register properties, including the Stillwater Lift Bridge and the Territorial/State Prison Warden's House. Further information as to future plans is required by the State Historic Preservation Office. See Exhibit L, letter from the Minnesota Historical Society.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

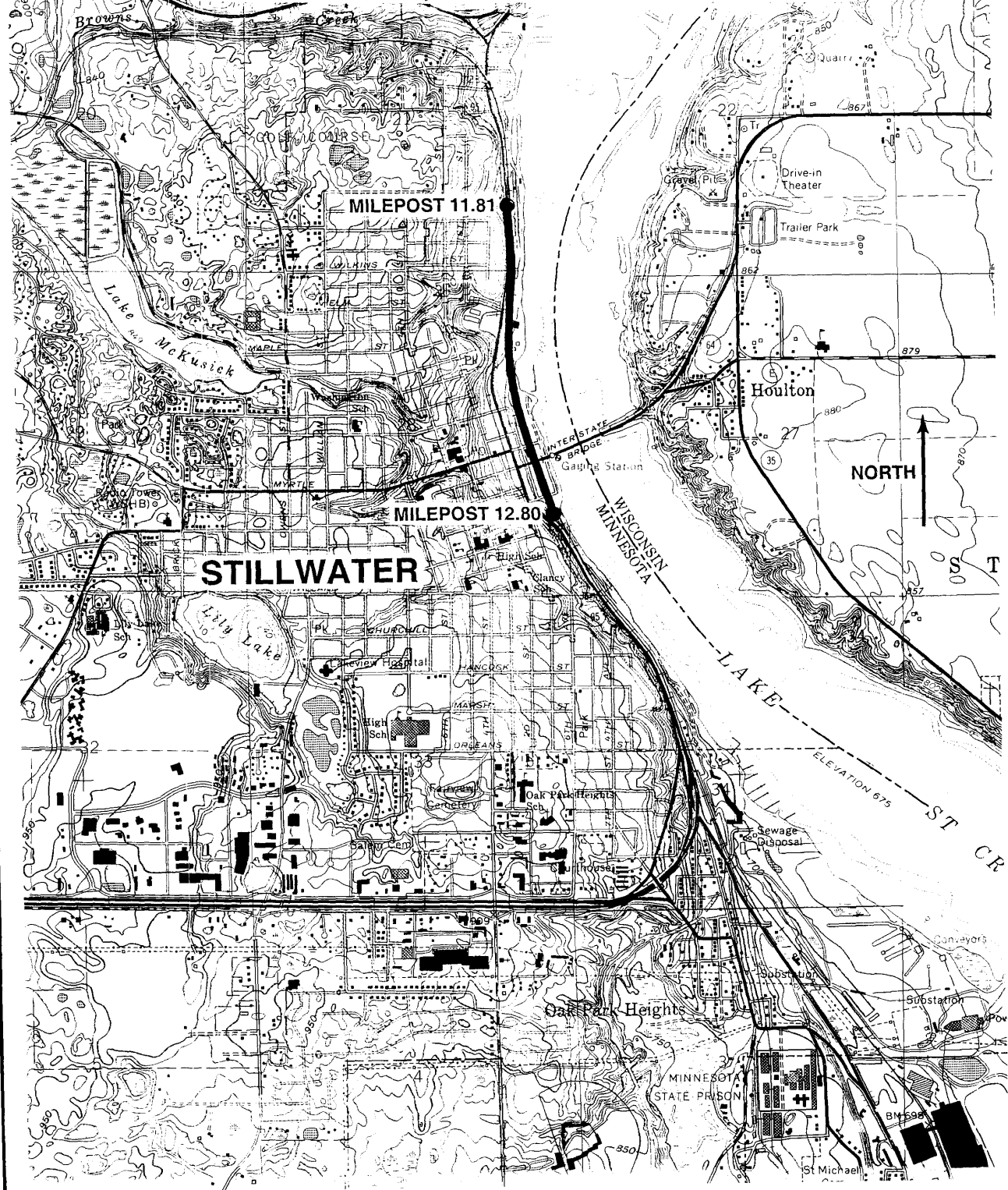
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Date: April 13, 2004

# STILLWATER, MINNESOTA TRACKAGE



**B**

Freeborn & Peters

May 19, 2003

Bill Pulkrabek  
Commissioner, Chair, District 2  
Washington County Board of  
Commissioners  
14949 62nd Street N, PO Box 6  
County Government Center  
Stillwater, MN 55082-6132

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

**Re:   *The Burlington Northern and Santa Fe Railway Company Abandonment  
of Stillwater, Minnesota***

Dear Mr. Bulkrabek:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80 in Stillwater, Minnesota.

As part of the environmental report BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a recreational trail.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn  
Enclosure

*Chicago*

*Springfield*



c

Freeborn & Peters

May 19, 2003

Sue Fitzgerald  
City Planner  
216 N. Fourth Street  
Stillwater, MN 55082

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

**Re:    *The Burlington Northern and Santa Fe Railway Company Abandonment  
of Stillwater, Minnesota***

Dear Ms. Fitzgerald:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80 in Stillwater, Minnesota.

As part of the environmental report BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a recreational trail.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn  
Enclosure

*Chicago*

*Springfield*

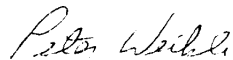
D

June 2, 2003

Dear Brian Nettles,

I am responding to the request by Burlington Northern and Santa Fe Railway Company concerning the abandonment of railroad line between milepost 11.81 and milepost 12.80 in Stillwater, Minnesota. Due to the past use and intended future plans, the proposed work detail will not have any effect on prime agricultural land. The Farmland Protection Policy Act does not apply to this parcel. Thank you for contacting our agency.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter Weikle".

Peter Weikle  
Area Resource Soil Scientist  
USDA Natural Resources Conservation Service

E



## Minnesota Department of Natural Resources

Natural Heritage and Nongame Research Program, Box 25

500 Lafayette Road

St. Paul, Minnesota 55155-4000

Phone: (651) 296-7863 Fax: (651) 296-1811 E-mail: sarah.hoffmann@dnr.state.mn.us

June 17, 2003

Brian Nettles  
Freeborn & Peters  
311 S. Wacker Drive  
Chicago, IL 60606-6677

Re: Request for Natural Heritage information for vicinity of proposed Stillwater Railroad Abandonment  
T30N R20W Sections 21 & 28, Washington County  
NHNRP Contact #: ERDB 20031086

Dear Mr. Nettles,

The Minnesota Natural Heritage database has been reviewed to determine if any rare plant or animal species or other significant natural features are known to occur within an approximate one-mile radius of the area indicated on the map enclosed with your information request. Based on this review, there are 30 known occurrences of rare species or natural communities in the area searched (for details, see enclosed database printout and explanation of selected fields). However, provided the project will not impact the water quality of the St. Croix River, I do not believe it will affect any known occurrences of rare features.

The Natural Heritage database is maintained by the Natural Heritage and Nongame Research Program, a unit within the Division of Ecological Services, Department of Natural Resources. It is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, natural communities, and other natural features. Its purpose is to foster better understanding and protection of these features.

Because our information is not based on a comprehensive inventory, there may be rare or otherwise significant natural features in the state that are not represented in the database. A county-by-county survey of rare natural features is now underway, and has been completed for Washington County. Our information about natural communities is, therefore, quite thorough for that county. However, because survey work for rare plants and animals is less exhaustive, and because there has not been an on-site survey of all areas of the county, ecologically significant features for which we have no records may exist on the project area.

The enclosed results of the database search are provided in two formats: index and full record. To control the release of locational information which might result in the damage or destruction of a rare element, both printout formats are copyrighted.

The index provides rare feature locations only to the nearest section, and may be reprinted, unaltered, in an Environmental Assessment Worksheet, municipal natural resource plan, or report compiled by your company for the project listed above. If you wish to reproduce the index for any other purpose, please contact me to request written permission. Copyright notice for the index should include the following disclaimer:

"Copyright (year) State of Minnesota, Department of Natural Resources. This index may be reprinted, unaltered, in Environmental Assessment Worksheets, municipal natural resource plans, and internal reports. For any other use, written permission is required."

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929

An Equal Opportunity Employer  
Who Values Diversity



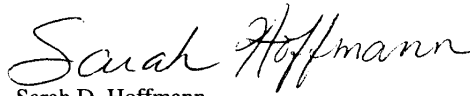
Printed on Recycled Paper Containing a  
Minimum of 10% Post-Consumer Waste

The full-record printout includes more detailed locational information, and is for your personal use only. If you wish to reprint the full-record printouts for any purpose, please contact me to request written permission.

Please be aware that review by the Natural Heritage and Nongame Research Program focuses only on *rare natural features*. It does not constitute review or approval by the Department of Natural Resources as a whole. If you require further information on the environmental review process for other wildlife-related issues, you may contact your Regional Environmental Assessment Ecologist, Wayne Barstad, at (651)772-7940.

An invoice for the work completed is enclosed. You are being billed for map and database search and staff scientist review. Please forward this invoice to your Accounts Payable Department. Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

Sincerely,

A handwritten signature in black ink that reads "Sarah Hoffmann". The signature is written in a cursive, flowing style.

Sarah D. Hoffmann

Endangered Species Environmental Review Coordinator

encl: Database search results  
Rare Feature Database Print-Outs: An Explanation of Fields  
Invoice

Minnesota Natural Heritage Database  
Element Occurrence Records

STILLWATER RAILROAD ABANDONMENT  
T30N R20W SEC. 21 & 28, WASHINGTON COUNTY  
MdNR, Natural Heritage and Nongame Research Program

14:06 Tuesday, JUNE 17, 2003  
Copyright 2003 State of Minnesota DNR

TWP	RNG	PRIMARY SECTION	FED STATUS	MN STATUS	S RANK	ELEMENT and OCCURRENCE NUMBER	MANAGED AREA
T030N	R20W	15		THR		ACTINONAIAS LIGAMENTINA (MOCKET MUSSEL) #207	
T030N	R20W	15		THR		BESSEYA BULLII (KITTEEN-TAILS) #33	LOWER ST. CROIX NSR
T030N	R20W	15		THR		CYCLONAIAS TUBERCULATA (PURPLE WARTBACK MUSSEL) #51	LOWER ST. CROIX NSR
T030N	R20W	15		THR	S3	DRY PRAIRIE (SOUTHEAST) BEDROCK BLUFF SUBTYPE #122	
T030N	R20W	15		SPC		ELLIPSARIA LINEOLATA (BUTTERFLY MUSSEL) #37	LOWER ST. CROIX NSR
T030N	R20W	15		SPC		ELLIPTIO DILATATA (SPIKE MUSSEL) #176	LOWER ST. CROIX NSR
T030N	R20W	15		SPC		LIGUMIA RECTA (BLACK SANDSHELL MUSSEL) #318	LOWER ST. CROIX NSR
T030N	R20W	15		THR	S3	MAPLE-BASSWOOD FOREST (EAST CENTRAL) #3	
T030N	R20W	15		THR		PLEUROBEMA COCCINEUM (ROUND PIGTOE MUSSEL) #105	LOWER ST. CROIX NSR
T030N	R20W	15		THR		QUADRULA METANEVRA (MONKEYFACE MUSSEL) #49	LOWER ST. CROIX NSR
T030N	R20W	15		THR		TRITOGONIA VERRUCOSA (PISTOLGRIP MUSSEL) #35	LOWER ST. CROIX NSR
T030N	R20W	16		THR		AUREOLARIA PEDICULARIA (FERNLEAF FALSE FOXGLOVE) #5	LOWER ST. CROIX NSR
T030N	R20W	16		THR	S3	BESSEYA BULLII (KITTEEN-TAILS) #29	
T030N	R20W	16		SPC		DRY PRAIRIE (SOUTHEAST) BEDROCK BLUFF SUBTYPE #126	LOWER ST. CROIX NSR
T030N	R20W	16		SPC	S3	DRYOPTERIS GOLDIANA (GOLDIE'S FERN) #14	
T030N	R20W	16		S2		MAPLE-BASSWOOD FOREST (EAST CENTRAL) #6	LOWER ST. CROIX NSR
T030N	R20W	16		S2		OAK FOREST (CENTRAL) MESIC SUBTYPE #47	LOWER ST. CROIX NSR
T030N	R20W	16		S3		SEEPAGE MEADOW #5	
T030N	R20W	16		SPC		SEIURUS MOTACILLA (LOUISIANA WATERTHRUSH) #9	
T030N	R20W	21		THR		BESSEYA BULLII (KITTEEN-TAILS) #111	LOWER ST. CROIX NSR
T030N	R20W	21		S3		DRY PRAIRIE (SOUTHEAST) BEDROCK BLUFF SUBTYPE #124	
T030N	R20W	21		S3		MAPLE-BASSWOOD FOREST (EAST CENTRAL) #4	
T030N	R20W	21		S3		MIXED HARDWOOD SWAMP SEEPAGE SUBTYPE #5	
T030N	R20W	21		SPC		SEIURUS MOTACILLA (LOUISIANA WATERTHRUSH) #10	LOWER ST. CROIX NSR
T030N	R20W	22		SPC		APALONE MOTICA (SMOOTH SOFTSHELL) #16	
T030N	R20W	22		SPC		COLONIAL WATERBIRD NESTING SITE #743	
T030N	R20W	22	LT	SPC		HALIAETUS LEUCOCEPHALUS (BALD EAGLE) #1131	LOWER ST. CROIX NSR
T030N	R20W	27		SPC		ACIPENSER FULVESCENS (LAKE STURGEON) #112	
T030N	R20W	27		SPC		MUSSEL SAMPLING SITE #204	LOWER ST. CROIX NSR
T030N	R20W	34	LT	SPC		HALIAETUS LEUCOCEPHALUS (BALD EAGLE) #2139	

RECORDS PRINTED = 30





Minnesota Natural Heritage Database  
Element Occurrence Records

STILLWATER RAILROAD ABANDONMENT  
T30N R20W SEC. 21 & 28, WASHINGTON COUNTY  
MdNR, Natural Heritage and Nongame Research Program

14:06 Tuesday, JUNE 17, 2003  
Copyright 2003 State of Minnesota DNR

1

T030N R20W SWS15 WASHINGTON COUNTY, MN  
Element: ACTINONAIAS LIGAMENTINA (MCKET MUSSEL) #207  
State Status: THREATENED  
EO Size: 15  
Site: STILLWATER 15  
Ownership: Owner unknown  
Managed Area(s): LOWER ST. CROIX NSR  
Source: HOVE, M. & HORNBACK, D. (PERMIT #10405)  
6 DEAD SPECIMENS COLLECTED BY SCUBA DIVERS DURING A 30 MIN SEARCH AT RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

Last Observed Date: 19 July 2001  
DNR Region: 6  
Wildlife Area: 601  
Forestry District: 612  
Quad Map: STILLWATER (R18D)  
Latitude: 45 5' 1" Long: 92 47' 11"  
Precision: within 0.25 mile, confirmed  
Voucher: Verification: verified  
Site: JUST DOWNSTREAM OF BOOM SITE REST AREA.

T030N R20W SWS15 WASHINGTON COUNTY, MN  
Element: BESSEYA BULLII (KITTE-TAILS) #33  
State Status: THREATENED  
EO Size: 1 acres approx. EO Rank: C Current Status: 0 Intended Status: 27  
Site: NORTH STILLWATER 15 (110 acres approx.) CBS Site #: 98  
Ownership: Private  
Managed Area(s): not managed or no record  
Source: ALMENDINGER, J.C. AND MCDILL, T.  
SE1/4 SW1/4 NE1/4 SEC 15, T30N R20W; SPECIMEN COLLECTED IN SCATTERED OAKS JUST ABOVE A SMALL BLUFF PRAIRIE ON SW-FACING POINT OF GORGE (PLANTED IN PINES JUST DOWNSLOPE AND EAST). PLANT GROWING IN GRASSY AREA UNDER SCATTERED POPLAR AND PIN OAK. SOILS DRY, LOAMY SAND, ERODED SOMEWHAT AT COLLECTION SITE. POPULATION EST. TO BE 50 PLANTS IN 20 X 20 M AREA. SURVEY STAKES ON SITE AND NEW HOUSES CONSTRUCTED NEARBY. SITE PROBABLY DOOMED.

Last Observed Date: 11 September 1987  
DNR Region: 6  
Wildlife Area: 601  
Forestry District: 612  
Quad Map: STILLWATER (R18D)  
Latitude: 45 5' 15" Long: 92 47' 17"  
Precision: within 0.25 mile, confirmed  
Voucher: MIN Verification: verified  
Site: JUST DOWNSTREAM OF BOOM SITE REST AREA.

T030N R20W SWS15 WASHINGTON COUNTY, MN  
Element: CYCLOSTOMA TUBERCOLATA (PURPLE MARYBACK MUSSEL) #51  
State Status: THREATENED  
EO Size: 15  
Site: STILLWATER 15  
Ownership: Owner unknown  
Managed Area(s): LOWER ST. CROIX NSR  
Source: HOVE, M. & HORNBACK, D. (PERMIT #10405)  
1 DEAD SPECIMEN COLLECTED BY SCUBA DIVERS DURING A 30 MIN SEARCH AT RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

Last Observed Date: 19 July 2001  
DNR Region: 6  
Wildlife Area: 601  
Forestry District: 612  
Quad Map: STILLWATER (R18D)  
Latitude: 45 4' 59" Long: 92 47' 13"  
Precision: within 0.25 mile, confirmed  
Voucher: Verification: verified  
Site: JUST DOWNSTREAM OF BOOM SITE REST AREA.

T030N R20W NW15 WASHINGTON COUNTY, MN  
Element: DRY PRAIRIE (SOUTHEAST) BEDROCK BLUFF SUBTYPE #122  
S Rank: S3  
EO Size: 2 acres approx. EO Rank: BC Current Status: 0 Intended Status: 27  
Site: NORTH STILLWATER 15 (110 acres) CBS Site #: 98  
Ownership: Owner unknown  
Managed Area(s): not managed or no record  
Source: ALMENDINGER, J.C. (CO BIOL SURVEY 1987); GLENN-LEWIN SITES 035 AND 036 (1987)  
BLUFF PRAIRIE ON UPPER SLOPES OF SW-FACING BLUFF. PRAIRIE DOM. BY SCHIZACHYRIUM SCOPARIUM, ANDROPOGON GERARDI, WITH SORGHASTRUM NUTANS, BOUTELOUA CURTIPENDULA AND B. HIRSUTA. FORB COMPONENT MOD. RICH. MOST PATCHES OF PRAIRIE 20M. ENCROACHMENT BY CLONES OF POPULUS AND SCATTERED PIN OAK. SOILS ARE SANDY LOAM, WITH NO OUTCROPPINGS OF BEDROCK. SURVEY STAKES SUGGEST IMMINENT DEVELOPMENT FOR HOUSING. SITE PROBABLY GRAZED BUT NOT FLOWED.

Last Observed Date: 11 September 1987  
DNR Region: 6  
Wildlife Area: 601  
Forestry District: 612  
Quad Map: STILLWATER (R18D)  
Latitude: 45 5' 12" Long: 92 47' 17"  
Precision: approx. boundaries have been determined  
Voucher: Verification: verified  
Site: JUST DOWNSTREAM OF BOOM SITE REST AREA.

Minnesota Natural Heritage Database  
Element Occurrence Records

STILLWATER RAILROAD ABANDONMENT  
T30N R20W SEC. 21 & 28, WASHINGTON COUNTY  
MdDNR, Natural Heritage and Nongame Research Program

14:06 Tuesday, JUNE 17, 2003  
Copyright 2003 State of Minnesota DNR

2

T030N R20W SWSE15 WASHINGTON COUNTY, MN  
Element: ELLIPSARIA LINEOLATA (BUTTERFLY MUSSEL) #37  
State Status: THREATENED  
EO Size: 15  
Site: STILLWATER 15  
EO Rank: 0  
Current Status: 0  
Intended Status: 27  
Ownership: Owner unknown  
Managed Area(s): LOWER ST. CROIX NSR  
Source: HOVE, M. & HORNBACH, D. (PERMIT #10405)  
1 LIVE INDIVIDUAL FOUND BY SCUBA DIVERS DURING A 30 MIN SEARCH AT RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

T030N R20W SWSE15 WASHINGTON COUNTY, MN  
Element: ELLIPTIO DILATATA (SPIKE MUSSEL) #176  
State Status: SPECIAL CONCERN  
EO Size: 15  
Site: STILLWATER 15  
EO Rank: 0  
Current Status: 0  
Intended Status: 27  
Ownership: Owner unknown  
Managed Area(s): LOWER ST. CROIX NSR  
Source: HOVE, M. & HORNBACH, D. (PERMIT #10405)  
1 LIVE & 7 DEAD INDIVIDUALS FOUND BY SCUBA DIVERS DURING A 30 MIN SEARCH AT RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

T030N R20W SWSE15 WASHINGTON COUNTY, MN  
Element: LIGMIA RECTA (BLACK SANDSHELL MUSSEL) #318  
State Status: SPECIAL CONCERN  
EO Size: 15  
Site: STILLWATER 15  
EO Rank: 0  
Current Status: 0  
Intended Status: 27  
Ownership: Owner unknown  
Managed Area(s): LOWER ST. CROIX NSR  
Source: HOVE, M. & HORNBACH, D. (PERMIT #10405)  
1 DEAD SPECIMEN COLLECTED BY SCUBA DIVERS DURING A 30 MIN SEARCH OF RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

T030N R20W NW15 WASHINGTON COUNTY, MN  
Element: MAPLE-BASSWOOD FOREST (EAST CENTRAL) #3  
S Rank: S3  
EO Size: 20 acres approx  
EO Rank: B  
Current Status: 0  
Intended Status: 27  
Site: NORTH STILLWATER 15 (110 acres)  
CBS Site #: 98  
Ownership: Owner unknown  
Managed Area(s): not managed or no record  
Source: ALMENDINGER, J.C. (CO BIOL SURVEY 1987)  
MESIC DECIDUOUS FOREST ON LOWER TERRACES AND NE-FACING SLOPE OF RAVINE W OF ST. CROIX RIVER. FOREST DOM. BY BETULA PAPERIFERA, TILIA AMERICANA, AND CARYA CORD-  
IFORMIS. UNDERSTORY IS OPEN AND MOSTLY FREE OF EUROPEAN SHRUBS. GROUND FLORA IS MOD. RICH, WITH MUCH OF THE COVER BEING FERNS. SOILS ARE MOIST SANDY LOAM ON THE  
TERRACES, BECOMING COARSER AND DRIER UPSLOPE. A BRIEF SURVEY SHOWS NO STUMPS, AND FENCING DONE RECENTLY, PROBABLY NOT FOR GRAZING.

T030N R20W SWSE15 WASHINGTON COUNTY, MN  
Last Observed Date: 19 July 2001  
DNR Region: 6  
Wildlife Area: 601  
Forestry District: 612  
Quad Map: STILLWATER (R18D)  
Latitude: 45° 4' 56" N Long: 92° 47' 17" W  
Precision: within 0.25 mile, confirmed  
Voucher: Verification: verified  
1 LIVE INDIVIDUAL FOUND BY SCUBA DIVERS DURING A 30 MIN SEARCH AT RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

T030N R20W SWSE15 WASHINGTON COUNTY, MN  
Last Observed Date: 19 July 2001  
DNR Region: 6  
Wildlife Area: 601  
Forestry District: 612  
Quad Map: STILLWATER (R18D)  
Latitude: 45° 4' 54" N Long: 92° 47' 20" W  
Precision: within 0.25 mile, confirmed  
Voucher: Verification: verified  
1 LIVE & 7 DEAD INDIVIDUALS FOUND BY SCUBA DIVERS DURING A 30 MIN SEARCH AT RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

T030N R20W SWSE15 WASHINGTON COUNTY, MN  
Last Observed Date: 19 July 2001  
DNR Region: 6  
Wildlife Area: 601  
Forestry District: 612  
Quad Map: STILLWATER (R18D)  
Latitude: 45° 4' 52" N Long: 92° 47' 25" W  
Precision: within 0.25 mile, confirmed  
Voucher: Verification: verified  
1 DEAD SPECIMEN COLLECTED BY SCUBA DIVERS DURING A 30 MIN SEARCH OF RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

T030N R20W NW15 WASHINGTON COUNTY, MN  
Last Observed Date: 11 September 1987  
DNR Region: 6  
Wildlife Area: 601  
Forestry District: 612  
Quad Map: STILLWATER (R18D)  
Latitude: 45° 5' 9" N Long: 92° 47' 20" W  
Precision: approx. boundaries have been determined  
Voucher: Verification: verified  
MESIC DECIDUOUS FOREST ON LOWER TERRACES AND NE-FACING SLOPE OF RAVINE W OF ST. CROIX RIVER. FOREST DOM. BY BETULA PAPERIFERA, TILIA AMERICANA, AND CARYA CORD-  
IFORMIS. UNDERSTORY IS OPEN AND MOSTLY FREE OF EUROPEAN SHRUBS. GROUND FLORA IS MOD. RICH, WITH MUCH OF THE COVER BEING FERNS. SOILS ARE MOIST SANDY LOAM ON THE  
TERRACES, BECOMING COARSER AND DRIER UPSLOPE. A BRIEF SURVEY SHOWS NO STUMPS, AND FENCING DONE RECENTLY, PROBABLY NOT FOR GRAZING.

Minnesota Natural Heritage Database  
Element Occurrence Records

STILLWATER RAILROAD ABANDONMENT  
T30N R20W SEC. 21 & 28, WASHINGTON COUNTY  
MdDNR, Natural Heritage and Nongame Research Program

14:06 Tuesday, JUNE 17, 2003  
Copyright 2003 State of Minnesota DNR

3

T030N R20W SWS15 WASHINGTON COUNTY, MN

Element: PLEUROBEMA COCCINEUM (ROUND PIGTOE MUSSEL) #105

State Status: THREATENED

EO Size: EO Rank:

Current Status:

Intended Status:

Last Observed Date: 19 July 2001

DNR Region: 6  
Wildlife Area: 601  
Forestry District: 612

Site: STILLWATER 15

Ownership: Owner unknown

Managed Area(s): LOWER ST. CROIX NSR

Source: HOVE, M. & HORNBACK, D. (PERMIT #10405)

10 LIVE & 4 DEAD MUSSELS FOUND BY SCUBA DIVERS DURING A 30 MIN SEARCH OF RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

Voucher:

Verification: verified

10 LIVE & 4 DEAD MUSSELS FOUND BY SCUBA DIVERS DURING A 30 MIN SEARCH OF RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

T030N R20W SWS15 WASHINGTON COUNTY, MN

Element: QUADRULA METANEVRA (MONKEYFACE MUSSEL) #49

State Status: THREATENED

EO Size: EO Rank:

Current Status:

Intended Status:

Last Observed Date: 19 July 2001

DNR Region: 6  
Wildlife Area: 601  
Forestry District: 612

Site: STILLWATER 15

Ownership: Owner unknown

Managed Area(s): LOWER ST. CROIX NSR

Source: HOVE, M. & HORNBACK, D. (PERMIT #10405)

1 DEAD MUSSEL FOUND BY SCUBA DIVERS DURING A 30 MIN SEARCH OF RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

Voucher:

Verification: verified

1 DEAD MUSSEL FOUND BY SCUBA DIVERS DURING A 30 MIN SEARCH OF RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

T030N R20W SWS15 WASHINGTON COUNTY, MN

Element: TRITOGONIA VERRUCOSA (PISTOLGRIP MUSSEL) #35

State Status: THREATENED

EO Size: EO Rank:

Current Status:

Intended Status:

Last Observed Date: 09 August 2001

DNR Region: 6  
Wildlife Area: 601  
Forestry District: 612

Site: STILLWATER 15

Ownership: Owner unknown

Managed Area(s): LOWER ST. CROIX NSR

Source: HOVE & HORNBACK (PERMIT #10405); BAKER, P. (SURVEY BETW BOOMSITE & ARCOLA BAR)

1995: 2 LIVE INDIVIDUALS COLLECTED BY SCUBA DIVERS DURING A 30 MIN SEARCH AT RM 25.2 EAST OF BOOMSITE MARINA NEAR EAST BANK OF MAIN CHANNEL BY BAKER. 2001: 4 LIVE & 5 DEAD INDIVIDUALS FOUND BY HOVE & HORNBACK DURING 30 MIN SEARCH AT RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA ON 19 JULY AT SITE

1. 1 DEAD INDIVIDUAL FOUND DURING 16 MIN SEARCH ON 9 AUG AT SITE 21 AT RIVER MILE 25.

Voucher:

Verification: verified

1995: 2 LIVE INDIVIDUALS COLLECTED BY SCUBA DIVERS DURING A 30 MIN SEARCH AT RM 25.2 EAST OF BOOMSITE MARINA NEAR EAST BANK OF MAIN CHANNEL BY BAKER. 2001: 4 LIVE & 5 DEAD INDIVIDUALS FOUND BY HOVE & HORNBACK DURING 30 MIN SEARCH AT RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA ON 19 JULY AT SITE

T030N R20W SWS16 WASHINGTON COUNTY, MN

Element: AUROCLARIA PEDICULARIA (FERNLEAF FALSE FOXGLOVE) #5

State Status: THREATENED

EO Size: 1 acres approx. EO Rank: D

Current Status: 1

Intended Status: 86

Site: FAIRY FALLS (20 acres approx.)

CBS Site #: 96

Ownership: National Park Service (National Monument)

Managed Area(s): LOWER ST. CROIX NSR

Source: ALMENDINGER, J.C.

FAIRY FALLS: NW1/4 SE1/4 SEC 16, T30N R20W; SPECIMEN COLLECTED ON UPPER SW-FACING SLOPE OF GORGE, ABOUT 50 M SE OF FALLS. PLANT GROWING ON RECENTLY ERODED SLOPE IN BLUFF PRAIRIE. SOILS ARE BARE SAND WITH ONLY THE SPECIMEN AND A FEW PLANTS OF PHYSALIS HETEROPHYLLA. NO OTHER SPECIMENS WERE SEEN AT THE SITE.

Last Observed Date: 01 July 1987

DNR Region: 6  
Wildlife Area: 601  
Forestry District: 612

Quad Map: STILLWATER (R18D)

Latitude: 45 4' 53" Long: 92 48' 23"

Precision: within 0.25 mile, confirmed

Voucher: MIN

Verification: verified

FAIRY FALLS: NW1/4 SE1/4 SEC 16, T30N R20W; SPECIMEN COLLECTED ON UPPER SW-FACING SLOPE OF GORGE, ABOUT 50 M SE OF FALLS. PLANT GROWING ON RECENTLY ERODED SLOPE IN BLUFF PRAIRIE. SOILS ARE BARE SAND WITH ONLY THE SPECIMEN AND A FEW PLANTS OF PHYSALIS HETEROPHYLLA. NO OTHER SPECIMENS WERE SEEN AT THE SITE.

F





## United States Department of the Interior

**Bureau of Land Management  
Milwaukee Field Office  
310 W. Wisconsin Ave., Suite 450  
Milwaukee, Wisconsin 53203**



IN REPLY REFER TO:  
2000(030)

May 28, 2003

Mr. Brian Nettles  
Freeborn & Peters, Attorneys at Law  
311 South Wacker Drive, Suite 3000  
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

This is in response to your letters of May 13 and 19, 2003, to James Dryden concerning two separate proposals by the Burlington Northern and Santa Fe Railway Company (BNSF). The May 13<sup>th</sup> letter addressed BNSF's plan to file with the Surface Transportation Board a "Petition to Abandon" seeking authority to abandon 1.60 miles of railroad line between Milepost 0.00 and Milepost 1.60 in Brainerd, Minnesota. The May 19<sup>th</sup> addresses BSNF's plan to file with the Surface Transportation Board a "Notice of Exemption" seeking authority to abandon 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80 in Stillwater, Minnesota.

A search of our records shows there are no Federal lands administered by the Bureau of Land Management along either railroad line. However, please be aware that some of the original railroad grants were limited fee rights-of-way and may be subject to the Railroad Right-of-way Forfeiture and Abandonment Act of March 8, 1922, 43 U.S.C. § 912 (the 1922 Abandonment Act), and the National Trails System Improvement Act of October 4, 1988, Public Law 100-470, 16 U.S.C. § 1248 (c) - (f).

Thank you for giving us the opportunity to comment on this proposal. Our office does not have information on the location of wildlife refuges, state or national parks, and state or national forests in the immediate vicinity. You must contact the Fish and Wildlife Service, National Park Service, National Forest Service and State offices to obtain this information. If you require additional information, please contact Marcia Sieckman at (414) 297-4402.

Sincerely,

Chris Hanson  
Assistant Field Office Manager  
Division of Lands and Renewable Resources





G

## Rare Features Database Print-outs: An Explanation of Fields

The Rare Features database is part of the Natural Heritage Information System, and is maintained by the Natural Heritage and Nongame Research Program, a unit within the Division of Ecological Services, Minnesota Department of Natural Resources (DNR).

*\*\*Please note that the print-outs are copyrighted and may not be reproduced without permission\*\**

### **Field Name:** [Full (non-abbreviated) field name, if different]. Further explanation of field.

#### **-C-**

CBS Site: [County Biological Survey site number]. In each county, the numbering system begins with 1.

CLASS: A code which classifies features by broad taxonomic group: NC = natural community; SA = special animal; SP = special plant; GP = geologic process; GT = geologic time; OT = other (e.g. colonial waterbird colonies, bat hibernacula).

Cty: [County]. Minnesota counties (ordered alphabetically) are numbered from 1 (Aitkin) to 87 (Yellow Medicine).

CURRENT STATUS: Present protection status, from 0 (owner is not aware of record) to 9 (dedicated as a Scientific and Natural Area).

#### **-D-**

DNR Region: 1=NW, 2=NE, 3=E Central, 4=SW, 5=SE, 6= Minneapolis/St. Paul Metro.

DNR Quad: [DNR Quadrangle code]. DNR-assigned code of the U.S. Geologic Survey topographic map on which the rare feature occurs.

#### **-E-**

ELEMENT or Element: See "Element Name (Common Name)"

Element Name (Common Name): The name of the rare feature. For plant and animal species records, this field holds the scientific name, followed by the common name in parentheses; for all other elements (such as plant communities, which have no scientific name) it is solely the element name.

EO RANK: [Element Occurrence Rank]. An evaluation of the quality and condition of natural communities from A (highest) to D (lowest).

EO Size: [Element Occurrence Size]. The size in acres (often estimated) of natural communities.

#### **-F-**

FED STATUS: [Federal Status]. Status of species under the Federal Endangered Species Law: LE=endangered, LT=threatened, C=species which have been proposed for federal listing.

Federal Status: See "FED STATUS"

Forestry District: The Minnesota DNR's Division of Forestry district number.

#### **-G-**

GLOBAL RANK: The abundance of an element globally, from G1 (critically imperiled due to extreme rarity on a world-wide basis) to G5 (demonstrably secure, though perhaps rare in parts of its range). Global ranks are determined by the Conservation Science Division of The Nature Conservancy.

#### **-I-**

INTENDED STATUS: Desired protection status. See also "CURRENT STATUS." If a complete list of protection status codes is needed, please contact the Natural Heritage Program.

#### **-L-**

LAST OBSERVED or Last Observed Date or Last Observation: Date of the most recent record of the element at the location.

Latitude: The location at which the occurrence is mapped on Natural Heritage Program maps. NOTE: There are various levels of precision in the original information, but this is not reflected in the latitude/longitude data. For some of the data, particularly historical records, it was not possible to determine exactly where the original observation was made (e.g. "Fort Snelling", or "the south shore of Lake Owasso"). Thus the latitude/longitude reflect the mapped location, and not necessarily the observation location.

Legal: Township, range and section numbers.

Long: [Longitude]. See NOTE under "Latitude"

#### **-M-**

MANAGED AREA or Managed Area(s): Name of the federally, state, locally, or privately managed park, forest, preserve, etc., containing the occurrence, if any. If this field is blank, the element probably occurs on private land. If "(STATUTORY BOUNDARY)" occurs after the name of a managed area, the location may be a private inholding within the statutory boundary of a state forest or park.

Map Sym: [Map Symbol].

MN STATUS: [Minnesota Status]. Legal status of plant and animal species under the Minnesota endangered species law:

END=endangered, THR=threatened, SPC=special concern, NON=no legal status, but tracked. This field is blank for natural communities and colonial waterbird nesting sites, which have no legal status in Minnesota, but are tracked by the database.

-N-

NC Rank: [Natural Community Rank].

-O-

Occ #: [Occurrence Number]. The occurrence number, in combination with the element name, uniquely identifies each record.

OCCURRENCE NUMBER: See "Occ #"

# OF OCCURS: The number of records existent in the database for each element within the area searched.

Ownership: Indicates whether the site is publicly or privately owned; for publicly owned land, the agency with management responsibility is listed.

-P-

Precision: Precision of locational information of occurrence: C (confirmed) = known within 1/4 mile radius, U (unconfirmed) = known within 1/2 mile, N (non-specific) = known within 1 mile, G (general) = occurs within the general region, X (unmappable)=location is unmappable on USGS topographic quadrangles (often known only to the nearest county), O (obscure/gone)=element no longer exists at the location.

PS: [Primary Section]. The section containing all or the greatest part of the occurrence.

-Q-

Quad Map: See "DNR Quad"

-R-

Rec #: [Record number].

RNG or Rng: [Range number].

-S-

SECTION or Section: [Section number(s)]. Some records are given only to the nearest section (s), but most are given to the nearest quarter-section or quarter-quarter-section (e.g., SWNW32 denotes the SW1/4 of the NW1/4 of section 32). A "0" is used as a place holder when a half-section is specified (e.g., ON03 refers to the north 1/2 of section 3). When an occurrence crosses section boundaries, both sections are listed, without punctuation (e.g., the NE1/4 of section 19 and NW1/4 of section 20 is displayed as "NE19NW20").

Site: A name which refers to the geographic area within which the occurrence lies. If no name for the area exists (a locally used name, for example), one is assigned by the County Biological Survey or the Natural Heritage Program.

Source: The collector or observer of the rare feature occurrence.

S RANK: [State Rank]. A rank assigned to the natural community type which reflects the known extent and condition of that community in Minnesota. Ranks range from 1 (in greatest need of conservation action in the state) to 5 (secure under present conditions). A "?" following a rank indicates little information is available to rank the community. Communities for which information is especially scarce are given a "U", for "rank undetermined". The ranks do not represent a legal status. They are used by the Minnesota Department of Natural Resources to set priorities for research, inventory and conservation planning. The state ranks are updated as inventory information becomes available.

State Status: See "MN STATUS"

-T-

TWP or Twp: [Township number].

-V-

Verification: A reflection of the reliability of the information on which the record is based. The highest level of reliability is "verified," which usually indicates a collection was made or, in the case of bird records, nesting was observed. Plant records based on collections made before 1970 are unverified.

Voucher: The museum or herbarium where specimens are maintained, and the accession number assigned by the repository. In the case of bald eagles, this is the breeding area number.

-W-

Wildlife Area: The Minnesota DNR's Division of Wildlife administrative number.

## Data Security

Locations of some rare features must be treated as sensitive information because widespread knowledge of these locations could result in harm to the rare features. For example, wildflowers such as orchids and economically valuable plants such as ginseng are vulnerable to exploitation by collectors; other species, such as bald eagles, are sensitive to disturbance by observers. For this reason, we prefer that publications not identify the precise locations of vulnerable species. We suggest describing the location only to the nearest section. If this is not acceptable for your purposes, please call and discuss this issue with the Environmental Review Specialist for the Natural Heritage and Nongame Research Program at 651/296-7863.

F



## United States Department of the Interior

**Bureau of Land Management  
Milwaukee Field Office  
310 W. Wisconsin Ave., Suite 450  
Milwaukee, Wisconsin 53203**



IN REPLY REFER TO:  
2000(030)

May 28, 2003

Mr. Brian Nettles  
Freeborn & Peters, Attorneys at Law  
311 South Wacker Drive, Suite 3000  
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

This is in response to your letters of May 13 and 19, 2003, to James Dryden concerning two separate proposals by the Burlington Northern and Santa Fe Railway Company (BNSF). The May 13<sup>th</sup> letter addressed BNSF's plan to file with the Surface Transportation Board a "Petition to Abandon" seeking authority to abandon 1.60 miles of railroad line between Milepost 0.00 and Milepost 1.60 in Brainerd, Minnesota. The May 19<sup>th</sup> addresses BSNF's plan to file with the Surface Transportation Board a "Notice of Exemption" seeking authority to abandon 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80 in Stillwater, Minnesota.

A search of our records shows there are no Federal lands administered by the Bureau of Land Management along either railroad line. However, please be aware that some of the original railroad grants were limited fee rights-of-way and may be subject to the Railroad Right-of-way Forfeiture and Abandonment Act of March 8, 1922, 43 U.S.C. § 912 (the 1922 Abandonment Act), and the National Trails System Improvement Act of October 4, 1988, Public Law 100-470, 16 U.S.C. § 1248 (c) - (f).

Thank you for giving us the opportunity to comment on this proposal. Our office does not have information on the location of wildlife refuges, state or national parks, and state or national forests in the immediate vicinity. You must contact the Fish and Wildlife Service, National Park Service, National Forest Service and State offices to obtain this information. If you require additional information, please contact Marcia Sieckman at (414) 297-4402.

Sincerely,

Chris Hanson  
Assistant Field Office Manager  
Division of Lands and Renewable Resources

G



United States  
Department of  
Agriculture

Forest  
Service

Eastern Region

310 West Wisconsin Ave.  
Suite 580  
Milwaukee, WI 53203

File Code: 2700

Date: June 16, 2003

Brian Nettles  
Attorney at Law  
Freeborn & Peters  
311 South Wacker Drive  
Suite 3000  
Chicago, IL 60606-6677

**Re: The Burlington Northern and Santa Fe Railway Company Abandonment of Stillwater and Brainerd, Minnesota**

Dear Attorney Nettles:

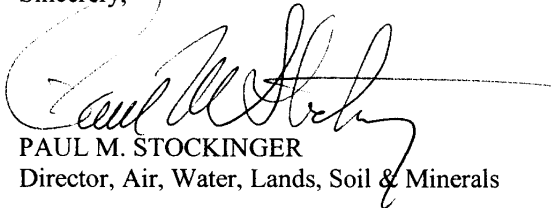
There are no Forest Service-administered lands in the proposed project impact area for the following miles of railroad line:

- 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80 in Stillwater, MN.
- 1.60 miles of railroad line between Milepost 0.00 and Milepost 1.60 in Brainerd, MN.

You may want to contact the U.S. Department of the Interior, National Park Service, regarding possible impacts to the St. Croix National Scenic Riverway, which is in the vicinity of Stillwater, Minnesota.

If I may be of any further assistance, please contact me at (414) 297-3696 or [pstockinger@fs.fed.us](mailto:pstockinger@fs.fed.us).

Sincerely,

  
PAUL M. STOCKINGER  
Director, Air, Water, Lands, Soil & Minerals



Caring for the Land and Serving People

Printed on Recycled Paper



H



Freeborn & Peters

May 19, 2003

Joe Oschwald  
Environmental Review Coordinator  
Minnesota Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155-4040

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

***Re: The Burlington Northern and Santa Fe Railway Company Abandonment  
of Stillwater, Minnesota***

Dear Mr. Oschwald:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80 in Stillwater, Minnesota.

As part of the environmental report BNSF needs to know whether or not this action will be consistent, with Federal, State or local water quality standards. Also, please state whether or not Section 402 and/or NPDES are required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn  
Enclosure

*Chicago*

*Springfield*



Freeborn & Peters

May 19, 2003

Jennifer Olson  
Division Regional Environmental  
Management Section Operations &  
Environmental Review  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, MN 55155-4194

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

*Chicago*

*Springfield*

**Re:    *The Burlington Northern and Santa Fe Railway Company Abandonment  
of Stillwater, Minnesota***

Dear Ms. Olson:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80 in Stillwater, Minnesota.

As part of the environmental report BNSF needs to know whether or not this action will be consistent, with Federal, State or local water quality standards. Also, please state whether or not Section 402 and/or NPDES are required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn  
Enclosure

J



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**

**ST. PAUL DISTRICT, CORPS OF ENGINEERS**

**ARMY CORPS OF ENGINEERS CENTRE**

**190 FIFTH STREET EAST**

**ST. PAUL, MN 55101-1638**

May 30, 2003

Construction-Operations  
Regulatory (03-05641-DJS)

Mr. Brian Nettles  
Freeborn & Peters Attorneys at Law  
311 South Wacker Drive  
Suite 3000  
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

We have reviewed information about a project of Burlington Northern Santa Fe Railway to abandon approximately 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80. The project site is in Sections 21 and 28 of T. 30N., R. 20W., Washington County, Minnesota.

The work proposed at the location stated is not within the regulatory jurisdiction of the Corps of Engineers. No work will be done in a navigable water of the United States, and no dredged or fill material will be discharged in any water of the United States, including wetlands. Therefore, a Department of the Army permit is not required to do this work.

This letter is valid only for the project referenced above. If any change in design, location, or purpose is contemplated, contact this office to avoid doing work that may be in violation of Federal law. In addition, it should be noted that while the abandonment and removal of railroad bridges that cross navigable waters of the U.S. do not require a Department of the Army permit, any proposed change of use for these structures would be subject to our review and approval. PLEASE NOTE THAT THIS CONFIRMATION LETTER DOES NOT ELIMINATE THE NEED FOR STATE, LOCAL, OR OTHER AUTHORIZATIONS, SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY.

The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. If you have any questions, contact Dan J. Seemon in our St. Paul office at (651) 290-5380. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

*Robert J. Whiting*  
fw Robert J. Whiting  
Chief, Regulatory Branch

**U.S ARMY CORPS OF ENGINEERS - ST. PAUL DISTRICT**  
**REGULATORY BRANCH**

**BASIS FOR DETERMINATION OF SECTION 404 JURISDICTION**

Applicant: **Burlington Northern Santa Fe Railway**

File Number: **200305641**

- ☐ A. Property referenced in the attached correspondence contains an area of water/wetland areas considered to be a water of the United States because the area:
- ☐ 1. is currently used, has been used in the past, or may be susceptible to use in interstate or foreign commerce, i.e., navigable waters of the United States. [328.3(a)(1)]
  - ☐ 2. is interstate waters. [328.3(a)(2)]
  - ☐ 3. is an area the use, degradation, or destruction of which could affect interstate or foreign commerce. [328.3(a)(3)]
    - ☐ a. is or could be used by interstate or foreign travelers for recreation or other purposes.
    - ☐ b. has fish or shellfish that are or could be taken and sold in interstate or foreign commerce.
    - ☐ c. is or could be used for industrial purposes by industries in interstate commerce.
  - ☐ 4. is an impoundment of waters/areas otherwise defined as waters of the United States. [328.3(a)(4)]
  - ☐ 5. is connected to or adjacent to a tributary of any waters/areas identified under paragraphs (1) through (4) of 33 CFR 328.3(a). [328.3(a)(5)]
  - ☐ 6. contains wetlands or waters adjacent to waters/areas defined as waters of the U.S in paragraphs (1) through (5) in 33 CFR 328.3 (a). [328.3(a)(7)].
- ☒ B. The property referenced in the attached contains no water/wetland areas that meet any of the criteria described above and therefore is not subject to Corps of Engineers jurisdiction under Section 404 of the Clean Water Act.

Project Manager   
Dan J. Seemon

Date 5-30-03

Section Chief   
Ralph J. Augustin

Date 5-30-03

Wetlands are identified and delineated using the methods and criteria established in the Corps of Engineers Wetland Delineation Manual (87 Manual). Generally, wetlands are determined by the occurrence of hydrophytic vegetation, hydric soils and wetland hydrology.

Edition of March 29, 2001. Previous editions obsolete.

K



## Minnesota Department of Natural Resources

500 Lafayette Road  
St. Paul, Minnesota 55155-40

May 22, 2003

Brain Nettles  
Freeborn & Peters, Attorneys at Law  
311 South Wacker Drive, Suite 3000  
Chicago, Illinois 60606-6677


Dear Mr. Nettles:

Re: The Burlington Northern and Santa Fe Railway Company Abandonment of  
Stillwater, Minnesota

This is a reply to your request on whether the abandonment of 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80 in Stillwater, Minnesota will affect the 100-year floodplain. From the statement you made in your May 19, 2003 letter, I understand that the rail material such as rails and ties may be removed but that the roadbed would be left intact.

Based on the information you have stated in your letter to me and the map you attached with it, the abandonment as described will not affect the 100-year floodplain.

Sincerely,  
DNR WATERS

  
Ogbazghi Sium, P.E.  
Supervisor, Floodplain Management Program

C: Dale Homuth, Regional Hydrologist  
Molly Shodeen, Area Hydrologist

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929

An Equal Opportunity Employer  
Who Values Diversity



Printed on Recycled Paper Containing a  
Minimum of 10% Post-Consumer Waste



L



MINNESOTA HISTORICAL SOCIETY  
STATE HISTORIC PRESERVATION OFFICE

February 27, 2004

Mr. Brian Nettles  
Freeborn & Peters LLP  
311 South Wacker Drive  
Suite 3000  
Chicago IL 60606-6677

RE: Burlington Northern Santa Fe Railway Company Abandonment  
Stillwater, Washington County  
SHPO Number: 2004-1052

Dear Mr. Nettles:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800).

The BNSF segment of rail proposed to be abandoned, historically the corridor of the Stillwater and St. Paul Railroad, is partially located within the Stillwater Commercial Historic District, which is listed on the National Register of Historic Places. It is also located within the Stillwater Cultural Landscape Historic District, which has been determined eligible for listing on the National Register of Historic Places. The rail segment is also adjacent to individually listed National Register properties, including the Stillwater Lift Bridge and the Territorial/State Prison Warden's House.

In order to complete our review of this project, we will need to be informed of future plans for this rail segment as part of the abandonment procedure.

Please contact Dennis Gimmestad at (651) 296-5462 if you have any questions regarding our review of this project.

Sincerely,

Britta L. Bloomberg  
Deputy State Historic Preservation Officer